



PUBLIC NOTICE

Federal Communications Commission
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CONSOLIDATED PLEADING CYCLE ESTABLISHED FOR CONNECT2 INTERNET NETWORK, INC. APPEALS OF FUND RECOVERY DECISIONS OF THE UNIVERSAL SERVICE ADMINISTRATOR

CC Docket No. 02-06

Comments Due: February 22, 2005
Reply Comments Due: March 9, 2005

The Wireline Competition Bureau seeks comment on several requests for review filed by Connect2 Internet Network, Inc. (Connect2). Connect2 appeals several decisions of the Universal Service Administrative Company (USAC) concerning the recovery of funds previously disbursed to Connect2. Specifically, Connect2 argues that: (1) a previous criminal settlement with the Department of Justice precludes USAC and the Commission from recovering additional monies; (2) Connect2 never received a copy of the audit report performed by the Commission's Office of the Inspector General (OIG) and therefore never had an opportunity to respond to the allegations set forth in the OIG audit report; (3) the amount of monies sought by USAC is inconsistent with the amounts deemed to have been erroneously disbursed by the OIG audit; and (4) the recovery amounts are *de minimus* and will require expenditures for recovery that exceed the amount sought.¹ On December 27, 2004, Connect2 filed three additional requests for review of USAC decisions related to Funding Years 1999 and 2000. In its three December 27, 2004 filings, Connect2 reiterates the arguments noted above. In addition, Connect2 seeks a waiver of the deadline for appealing USAC's decisions, arguing that Connect2 never received USAC's Commitment Adjustment Letters seeking recovery for monies disbursed in Funding Years 1999 and 2000.²

We establish a consolidated pleading cycle for all five Connect2 Petitions. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **February 22, 2005**, and reply comments on or before **March 9, 2005**. All pleadings are to reference **CC Docket No. 02-6**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

¹ See, e.g., Connect2 Internet Network, Inc., Request for Review, CC Docket No. 02-06, filed December 13, 2004, at 2.

² See, e.g., Connect2 Internet Network, Inc., Consolidated Request for Review and Petition for Waiver, CC Docket No. 02-06, December 27, 2004, at 1-2. See 47 C.F.R. § 54.720.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). One (1) courtesy copy should also be sent to Sheryl Todd, Wireline Competition Bureau, FCC, Room 5-B540, 445 12th Street, SW, Washington, DC 20554.

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The complete text of this Public Notice may be purchased from the Commission's duplicating contractor, BCPI, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at www.bcpweb.com.

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For further information, please contact Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400.

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